IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

RPFC.No. 373 of 2007()

MC.199/2002 of 2002 OF THE FAMILY COURT, THRISSUR
.....

REVISION PETITIONER:

SANTHOSHKUMAR, AGED 35 YEARS,
S/O. VILLAMANGALATH RAMAN, PUTHENCHIRA VILLAGE,
ULLAS NAGAR DESOM, MUKUNDAPURAM TALUK.

BY ADV. SRI.P.JACOB VARGHESE
SRI.VARUGHESE M EASO
SRI.VIVEK VARGHESE P.J.

RESPONDENTS:

SMT. SINDHU, AGED 29 YEARS,
D/O. AYINNUR BALAN, SURABHI NAGAR, KATTUNGACHIRA,
PORATHISSERY VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

R.P.FC No. 373 of 2007

Dated: 17th September 2007

ORDER

Heard both sides.

2. The revision petitioner who is the husband of the respondent herein was the counter petitioner in M.C. 199 of 2002 on the file of the Family Court, Thrissur. That is an application for maintenance filed by the respondent herein claiming a monthly maintenance of Rs. 1000/-. As per ex parte order dated 20-10-2006 the Family Court directed the revision petitioner to pay a sum of Rs. 500/- per month by way of maintenance to the respondent herein with effect from 29-07-2002 that is the date of filing the M.C. Aggrieved by the said order, the revision petitioner filed M.P. 988 of 2006 for setting aside the ex parte order. As per order dated 26-4-2007 the said application was allowed on condition that he deposits Rs. 10000/- towards the arrears on or before 8-6-2007. Since he did not deposit the said amount the petition stood dismissed as per the self working order dated 26-04-2007 itself. Thereafter the petitioner filed M.P. 62 of 2007 seeking a review of the said order. That was dismissed as not maintainable on 8-6-2007. Hence this revision.

3. The learned counsel appearing for the respondent submitted that the revision petitioner has so far paid only 17,000/- rupees and the balance amount due under the original order is in arrears.

4. Since the original order was a ex-parte order,it is not

desirable to direct the revision petitioner to pay the entire amount due under the said order. But at the same time, he cannot have the luxury of a contested disposal of the M.C. unless he pays sum more amount to the respondent herein. Accordingly, if the revision petitioner deposits before the Family Court, Thrissur a further amount of Rs. 5,000/- (Rupees five thousand only) within one month from today, M.P. No. 988 of 2006 filed before the Family Court will stand allowed and the final order dated 20-10-2006 in M.C. 199 of 2002 will stand set aside. It shall be open to the Family Court to pass appropriate orders regarding interim maintenance to be paid by the revision petitioner in future.

This petition is disposed of as above.

V.Ramkumar, Judge.